

PTO/SB/21 (09-04)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7+

Application Number

10/625,503

Filing Date

July 22, 2003

First Named Inventor

Randall J. Huebner

Art Unit

3732

Examiner Name

Unknown

Attorney Docket Number

ACM 349

ENCLOSURES (Check all that apply)☐

Fee Transmittal Form

☐

Fee Attached

☐

Amendment/Reply

☐

After Final

☐

Affidavits/declaration(s)

☐

Extension of Time Request

☐

Express Abandonment Request

☒Information Disclosure Statement
(Third Supplemental)☐Certified Copy of Priority
Document(s)☐Reply to Missing Parts/
Incomplete Application☐Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐

Drawing(s)

☐

Licensing-related Papers

☐

Petition

☐Petition to Convert to a
Provisional Application☐

Power of Attorney, Revocation

☐

Change of Correspondence Address

☐

Terminal Disclaimer

☐

Request for Refund

☐

CD, Number of CD(s) _____

☐ Landscape Table on CD☐

After Allowance Communication to TC

☐Appeal Communication to Board
of Appeals and Interferences☐Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐

Proprietary Information

☐

Status Letter

☒Other Enclosure(s) (please identify
below):

1. PTO 1449 Form(4)

2. Copies of References (3)

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

Kolisch Hartwell, P.C.

Signature

Printed name

James R. Abney

Date

January 9, 2006

Reg. No.

42,253

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Lisa Holstein

Date

January 9, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN RE THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: January 9, 2006

RANDALL J. HUEBNER, DAVID G. JENSEN
and HERBERT RESPESS

Serial No. : 10/625,503

Group Art Unit 3732

Filed : July 22, 2003

For : BONE FUSION SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.56, 1.97, and 1.98

Applicants are submitting this Third Supplemental Information Disclosure Statement pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98 to disclose to the U.S. Patent and Trademark Office the patents, publications, applications, and/or other references listed on the enclosed, completed PTO-1449 form(s). The filing of this Third Supplemental Information Disclosure Statement should not be construed as a representation that a search has been made or as an admission that the listed references are prior art for this application. Applicants respectfully request that the listed references be expressly considered during prosecution of the application, and that the references be made of record therein and appear among the "references cited" on any patents issuing therefrom.

CONTENT OF DISCLOSURE

This Third Supplemental Information Disclosure Statement includes (1) four pages of PTO-1449 forms, and (2) a legible copy of each foreign and non-patent reference, if any, listed

on the form(s). However, because this application was filed on or after July 1, 2003, no copies of U.S. patents or published U.S. patent applications are included.

FOREIGN-LANGUAGE REFERENCES

A concise explanation of the relevance of each listed reference not in the English language follows:

European Patent No. EP 0415837 A2 - This document appears to disclose a bone fixation device, as illustrated in the figures.

TIMING OF DISCLOSURE / FEE INFORMATION

This Third Supplemental Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, either (1) before the mailing of a first Office action on the merits, or (2) before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. Therefore, in accordance with 37 C.F.R. § 1.97(b), no fee or statement under 37 C.F.R. § 1.97(e) is required.

Please contact the undersigned with any questions or comments regarding this Third Supplemental Information Disclosure Statement.

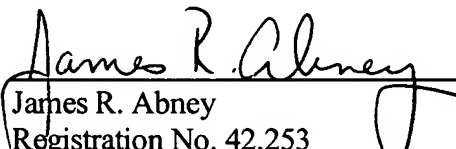
CERTIFICATE OF MAILING

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Lisa Holstein

Respectfully submitted,

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SHEET 1 OF 4

FORM PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION		DOCKET NUMBER ACM 349		APPLICATION NUMBER 10/625,503			
		APPLICANT(S) Randall J. Huebner et al.					
		FILING DATE July 22, 2003		GROUP ART UNIT 3732			
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	1,345,425	7/6/20	Wells				
	3,244,170	4/5/66	McElvenny				
	3,346,894	10/17/67	Lemelson				
	3,386,437	6/4/68	Treace				
	3,604,414	9/14/71	Borges				
	3,842,825	10/22/74	Wagner				
	4,119,092	10/10/78	Gil				
	4,750,481	6/14/88	Reese				
	4,903,691	2/27/90	Heinl				
	4,905,679	3/6/90	Morgan				
	5,021,056	6/4/91	Hofmann et al.				
	5,085,660	2/4/92	Lin				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
	EP 0415837 A2	3/6/91	Europe				X
	WO 03/105712 A2	12/24/03	WIPO			X	
OTHER DOCUMENTS							
	Mifx Dorsal IM Plate, brochure, DVO Extremity Solutions, September, 2005.						
EXAMINER			DATE CONSIDERED				

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U.S. PATENT DOCUMENTS							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	5,176,685	1/5/93	Rayhack				
	5,254,119	10/19/93	Schreiber				
	5,413,579	5/9/95	Du Toit				
	5,601,553	2/11/97	Trebing et al.				
	5,709,686	1/20/98	Talos et al.				
	5,722,978	3/3/98	Jenkins, Jr.				
	5,951,557	9/14/99	Luter				
	5,968,046	10/19/99	Castleman				
	6,004,353	12/28/99	Masini				
	6,007,535	12/28/99	Rayhack et al.				
	6,027,504	2/22/00	McGuire				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
EXAMINER				DATE CONSIDERED			

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U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.
	6,093,188	7/25/00	Murray			
	6,129,730	10/10/00	Bono et al.			
	6,159,213	12/12/00	Rogozinski			
	6,322,562	11/27/01	Wolter			
	6,623,486	9/23/03	Weaver et al.			
	6,689,139	2/10/04	Horn			
	6,730,091	5/4/04	Pfefferle et al.			
	6,821,278	11/23/04	Frigg et al.			
	6,955,677	10/18/05	Dahners			
	2002/0004660	1/10/02	Henniges et al.			
	2002/0128654	9/12/02	Steger et al.			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	

OTHER DOCUMENTS	

EXAMINER	DATE CONSIDERED
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EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FIL. DATE IF APPROP.	
	2002/0183752	12/5/02	Steiner et al.				
	2004/0102778	5/27/04	Huebner et al.				
	2005/0015089	1/20/05	Young et al.				
	2005/0085818	4/21/05	Huebner				
	2005/0165400	7/28/05	Fernandez				
FOREIGN PATENT DOCUMENTS							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION YES NO	
OTHER DOCUMENTS							
EXAMINER				DATE CONSIDERED			